



The State of New Hampshire
Department of Environmental Services

Michael P. Nolin
Commissioner



January 11, 2006

The Honorable Sherman Packard, Chairman
House Transportation Committee
Legislative Office Building, Room 203
Concord, NH 03301

Re: HB 1356 relative to on-board diagnostic system inspections.

Dear Chairman Packard and Members of the Committee:

The Department of Environmental Services (DES) is pleased to offer testimony on proposed House Bill 1356, which seeks to revise the On Board Diagnostic (OBD) requirement of the New Hampshire motor vehicle emissions testing program by

- requiring that OBD II fees be charged separately from vehicle inspection fees,
- eliminating the prospective repeal of the electronic submission exemption for inspection stations that inspect less than 200 vehicles, and
- exempting vehicles registered in Belknap, Carroll, or Coos county from the OBD II testing requirements.

DES does not typically comment on fees or finance policy, and therefore we take no position on the requirement to charge OBD test fees separately. DES has several other concerns with this bill, thus leading the agency to oppose the bill as proposed.

First and foremost, I would like to point out that the General Court has thoroughly reviewed both the need and implementation of the vehicle emissions testing program, both in 1998 after the Departments of Safety (DOS) and Environmental Services (DES) had reached an agreement with the Environmental Protection Agency (EPA) regarding the state's Clean Air Act (CAA) requirement for emissions testing, and in the last session (during consideration of HB 513, HB 579, and SB 148). In both cases the General Court affirmed the need for the OBD inspection to be implemented on a statewide basis. In addition HB 513 established a legislative advisory committee to review contracts and recommend legislation and rules relating to OBD II testing.

I would also note that the HB 513 Committee is specifically required to address the "under 200 vehicle" exemption, and is required to report its recommendations by May 1, 2006. In addition any revisions of this program should be carefully considered in light of the existing vendor contract for program management and implementation. Any breach of that contract could potentially cost the state several million dollars.

As noted above, the current OBD program is also an enforceable component of the state's federally required State Implementation Plan (SIP) under the CAA and is the result of a carefully negotiated agreement with EPA to avoid sanctions for failure to implement the otherwise CAA

required "tailpipe test" emissions testing program. These sanctions could include economic penalties on new business development in the state and/or loss of federal highway funds. In addition, should EPA fail to hold the state accountable for its SIP commitment, environmental organizations could file suit to require federal enforcement, thus eliminating the flexibility to substitute the more consumer friendly, less costly and intrusive OBD test contained in the state's agreement for the required "tailpipe test".

Finally, the OBD inspection assists the state in meeting requirements to reduce or maintain vehicle emissions under a separate federal transportation requirement referred to as "transportation conformity". Meeting this requirement helps to ensure that economic development in the northern counties of the state does not preclude development of additional transportation options in that region. DES urges the Transportation Committee to vote inexpedient to legislate on this bill, and allow the HB 513 committee to complete its work.

In summary the NHOST program is a relatively low cost program that is consumer friendly, significantly reduces air pollution, provides numerous health and safety benefits to consumers, and meets the state's obligations under the Clean Air Act. Most responsible citizens of the state already respond to the "check engine" light, getting necessary repairs as necessary. The NHOST will ensure that at least annually everyone will be required to maintain their vehicle emission systems. The repair community has been ready to implement the program for several years and further delay or revision is unwarranted.

Thank you for your attention in this matter. I have attached additional background information on the need for and implementation of the OBD testing program. Should you have further questions or need additional information please feel free to contact Robert R. Scott, Director, Air Resources Division (271-1088, rscott@des.state.nh.us) or Michael Fitzgerald, Supervisor, Mobile Source Planning (271-6390, mfitzgerald@dse.state.nh.us).

Sincerely,


Michael P. Nolin
Comissioner

cc: HB 1356 sponsors